United Nations

A/HRC/35/29/Add.4

General Assembly

Distr.: General
6 June 2017

English only

Human Rights Council
Thirty-fifth session
6-23 June 2017
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Hungary: comments by the State

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the comments by the State on the report of the Working Group on the issue of discrimination against women in law and in practice on its visit to Hungary.

GE.17-09065(E)

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Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Hungary: comments by the State*

The Government of Hungary appreciates the work of the Working Group on the issue of discrimination against women in law and in practice and it was in the spirit of cooperation and openness that we hosted the delegation in Hungary in May 2016. When reflecting to the content of the report, it has to be emphasized that it contains both legal and political elements. Therefore, in the followings, the Government intends to highlight both the errors of fact and law as well as the differences in assessment when it comes to certain factors in the society. While we do accept the well-meant suggestions to ameliorate the situation of women in Hungary, we have to refuse certain statements and conclusions which are based on differing political positions or which are in our view not sufficiently well-grounded (such as "gender stereotyping"). It has to be emphasized that the Government of Hungary – as shown in many measures having entered into force in the past few years and mentioned in the report as well – attaches great importance to, as the Fundamental Law states, one of the most important frameworks of our coexistence, the family. Many initiatives encourage the commitment to have children and at the same time ameliorate the situation of young mothers. In our view, while there is always room for amelioration, our legal system supports these objectives as well as others significant in a democratic society, such as finding the balance between non-discrimination and the use of affirmative actions.

Errors of fact and law

The following section contains suggestions for corrections. Certain comments refer to clear errors of fact and law; others suggest a clarification of statements based on a more thorough analysis of the normative legal environment.

1.Page 3, Introduction

„ ...the Ministry of Foreign Affairs"

The official name of the ministry is: Ministry of Foreign Affairs **and Trade**

2./ Page 3, A. Context, paragraph 1

„During the years of transition, attention was centered on the process of privatisation and foreign investment. Women's economic and social rights did not figure as priorities. This resulted in many women losing their jobs, a sever reduction of childcare services due to welfare cutbacks, and a decline in the real value of subsidies for families with children."

It is true that the transition has brought many changes in the economy and in the public mindset as well but we see these changes from an other point of view, it was a former stereotype that all women should work and they could not stay at home with their children, which stereotype the current society do not want to bring back. The reduction of childcare services was due not only to welfare cutbacks but also to the fact that the majoriy of big state companies who maintained child-care facilities had been liquidated or privatised and so the facilities had also been stopped.

3./ Page 4, A. Constitutional Framework, paragraph 1

* Reproduced as received.

„It further states that Hungary shall promote equal opportunities and social convergence by introducing special measures, amongst them measures specifically aimed to protect families, children, women, the elderly and the disabled."

Measures aiming to protect families, children, women, etc. are not necessarily confined to measures promoting equal opportunities and/or social convergence. Article XV paragraphs (4) and (5) of the Fundamental Law do not provide for a direct link between these provisions.

„It further states that Hungary shall promote equal opportunities and social convergence by introducing special measures ***and adopt*** *measures specifically aimed to protect families, children, women, the elderly and the disabled."*

4./ Page 4, B. Equal Treatment and Promotion of Equal Opportunities Act, paragraph 2

„By including women as just one of a list of marginalised groups, the Act fails to provide either a stand-alone goal for elimination of discrimination against women or a goal for integrating women's right to equality within each of the marginalised groups, as required in the SDGs."

Besides the Act on Equal Treatment, in 2010 the Government at that time accepted a 'stand-alone' decree (National Strategy) providing the equal treatment and opportunities of women until 2021. This Decree is still valid. An Act of 2003 cannot be considered as a basis for SDG-s accepted in 2016.

We are convinced that equality in families cannot be realized by laws but first of all by education. This is why the school curriculum contains the education for family life.

5./ Page 5, C. National Strategy for the Promotion of Gender Equality 2010–2021, paragraph 2

„However, no further action plans have been developed since an initial 2-year action plan, which covered a range of priority areas including paid work, care work, family and political life, health and education."

The package „Gyed Extra" contains a series of real actions to improve several areas of women's life: care work, reconciliation of work and family, promotion and protection of women employment, special allocations to young mothers at universities. By a range of different measures the income of women working in low-paid jobs has been improved. Special measures provide opportunity for Roma women to remain at school and get higher education, the number iof girls in higher ecductaion has been constantly growing, special programs give opportunity to talented women and girls stc.

6./ Page 5, D. Institutional framework, 1. Equal Treatment Authority (ETA)

paragraph 1

„In 2012 the ETA's budget was significantly cut resulting in a decrease in the number of experts and staff members."

Annual budget of the Equal Treatment Authority: 2010: 207M HUF, 2011: 190M, 2012: 111M, 2013: 213M, 2014: 273M, 2015: 322M, 2016: 334M, 2017: 351M.

„In 2012 the ETA's budget was significantly cut resulting in a decrease in the number of experts and staff members. **Later the financial situation of the Equal Treatment Authority has been stabilised and even significantly improved."**

paragraph 2

„Despite the data on inequality between women and men in the labour market, ETA has very few cases on discrimination *against women, which mostly concern equal pay, motherhood and pregnancy.*"

The footnote indicates the English webpage of ETA. However, not all decisions are translated, therefore the Hungarian version of the site (http://www.egyenlobanasmod.hu/article/index/jogesetek#) contains more cases also with regard to discrimination against women.

7./ Page 6, D. Institutional framework , 3. Governmental entities and mechanisms

paragraph 5

„A sub-group on women's rights was established as part of the inter-ministerial human rights working group set up in 2012, which consists of 11 sub-groups."

to amend and add proper definitions:

Thematic Working Group Responsible for the Rights of Women was established as part of the Human Rights Roundtable set up in 2012, which consists of 11 sub-groups. The thematic working group provides an opportunity for a dialogue with civil organisations and for the approximation of government and civil views. Apart from the members, other organisations have also been invited in order to enable the participants of the meetings to discuss the same topic from several aspects.

8./ Page 7, III. Political and public life

paragraph 2

„No political parties in Hungary have been led by women."

We would like to ask to delete/correct the sentence. There is a political party now, which has a woman leader (Bernadett Szél). Between 1999–2010 Ibolya Dávid was the head of a right-wing political party (MDF).

It is true that the political representation is not satisfying. However it is a continuous problem since the regime change and none of the political parties could have changed it. The participation of women in the parliament was the same (10%) under the left-wing MSZP government. This political party currently has no female member in the European Parliament. The governing party has the most.

9./ Page 8, IV. Economic and social life, A. Women in the labour force

paragraph 1

„Women's labour force participation has remained one of the lowest in the EU since the transition to a free market economy after decades of state socialism, when Hungary had full employment of women."

„Women's labour force participation has remained ***lower than*** *the EU* ***average*** *since the transition to a free market economy after decades of state socialism, when Hungary had full employment of women."*

10./ Page 10, 1. Maternity leave, paternity leave, and parental leave

paragraph 2

„This is variously explained by interlocutors as resulting from the gender wage gap; the increasingly conservative tone of public rhetoric on women's proper role; and also to the commonly held view that it is in the best interest of the child to stay at home with the mother until the age of three."

The Hungarian government aims to support women to go back to their workplaces.

The child care fee „extra", introduced in 2014 aims to ensure that having children does not exclude individuals from the labour market, mothers with children will not be forced to decide if they want to be at home with their children or to take up employment. As of 1 January 2016 women may take up employment without restrictions when the child reaches 6 months of age without losing their eligibility for child home care allowance and child care fee. About 60,000 parents with young children were beneficiaries of these measures and 35,000 of them were employed while receiving child care fee. The Hungarian system based on employment and most of the child care benefits are connected to insurance.

11./ Page 12, 4. Childcare facilities

paragraph 3

„The Group believes that the social and economic measures to encourage mothers to stay at home for prolonged periods with their young children may contribute to women's longer term economic inactivity. The Group points out that, while encouraging part-time employment for parents of young children who want it is a positive policy, it should be recognised that part-time work may not provide either the necessary income or job prospects which many women need and made prejudice their long term career and economic prospects."

The measures of the Hungarian government aim to give the chance to women to choose whether they would like to stay at home for a longer period with their child or to go back to their workplaces, so these measures do not contribute to women's longer term economic inactivity, in contrary to that the social and economic measures to reconcile work and family life make it easier for women to return to the labour market.

The Job Protection Action Plan intends to incentivise employers to use female labour force. Within the framework of the Job Protection Action Plan, as of 1 January 2013 employers are eligible for contribution allowance in case they employ individuals who belong to the most vulnerable groups: individuals above the age of 55 or under the age of 25, women with young children, long-term unemployed.

In the first two years of employment, the social contribution tax is 0% (instead of 22%); in the third year, a reduction of 11% is available after the payment period of child home care fee, or during the payment period of child home care allowance and child-raising support, or during the employment of the individual employed after the end of such payment periods.

The child care fee „extra", introduced in 2014 aims to ensure that having children does not exclude individuals from the labour market and that mothers with children will not be forced to decide if they want to be at home with their children or to take up employment. As of 1 January 2016 women may take up employment without restrictions when the child reaches 6 months of age without losing their eligibility for child home care allowance and child care fee. About 60,000 parents with young children were beneficiaries of these measures and 35,000 of them were employed while receiving child home care fee.

The GYED (child care fee) Extra creates the institution of the degree holder GYED, which means that students of higher education are eligible for one year of childcare benefit.

<u>Extension of capacities and transformation of daytime care of children</u>

Compulsory kindergarten attendance is expected to facilitate the entry of women with children younger than 6 years of age into the labour market. As of September 2015, mandatory nursery school-age has been reduced to 3 years from 5 years.

The number of nursery and family daycare places available for children under the age of 3 has continuously increased. In the period from 2010 to 2014, the number of nursery places was increased by 20% (from 37,000 to 47,000). The government is planning to increase the

number of daycare places from 42,000 to 60,000 in the period from 2014 to 2018 and, thus, to help mothers returning to the labour market.

12./ Page 14, VI Right to health

paragraph 4

"The counselling, according to interlocutors, is explicitly designed to dissuade the women from obtaining an abortion."

We would like to ask the deletion or alteration of this sentence, as the counselling also includes offering help with adequate family planning, including contraceptive methods suited to the applicant's personal circumstances.

The content of the counselling is regulated in the Act on the Protection of Foetal Life:

9. § (1) On receiving the request for a pregnancy termination, the staff member, with due respect for the pregnant woman's dignity and feelings, and possibly in the presence of the father of the fetus, shall inform the pregnant woman or, in cases under 8(3), her guardian, with the aim of keeping the pregnancy, of the following

a) the possibilities of financial aid and assistance in kind from public and private sources if she decides to keep the child;

b) the existence and activities of organizations and institutions that provide moral and financial support if she decides to keep the child;

c) the possibilities and conditions for adoption;

d) the forms of support coming from the state, local government or society suitable to resolve the conflict situation, and offer assistance in utilizing those, and inform her at the same time of the possibility to place the child in an incubator with the intent of consenting to the child's adoption, at a public health institution meeting the requirements as stipulated by a separate legal regulation;

e) conception, fetal development, the dangers of pregnancy termination and its effect on any later pregnancy;

f) the need to repeatedly participate in family protection counseling on the 3rd day at the earliest after the information under points a) to e) has been provided, in case the pregnant woman maintains her intention to terminate the pregnancy.

"Furthermore, Under the Act on the Protection of Foetal Life, no physician or other health care worker may be required against his will to perform a pregnancy termination or to participate therein, except if the pregnant woman's life is endangered."

We would like to delete "furthermore" and add the following sentence:

The Act also states that state health institutions and institutions run by local governments that have an obstetrics-gynecology department shall ensure that at least one group that performs pregnancy terminations shall operate in the institution. Therefore the law in Hungary ensures that even in the case of conscientious objection of some of the health professionals' women's access to reproductive health services is not limited.

paragraph 5

„The Group believes that inadequately regulated conscientious objection may constitute a barrier for women when exercising their right to have access to reproductive and sexual health services. The jurisprudence of human rights treaty bodies states that where conscientious objection is permitted, States still have an obligation to ensure that women's

access to reproductive health services is not limited and that conscientious objection is a personal, not an institutional, practice."

We would like to ask the deletion of this paragraph or the proposed alteration.The 13th paragraph of the Act on the Protection of Foetal Life states the following:

13. § (1) A pregnancy termination may be performed only in health institutions that meet the conditions provided by law.

(2) State health institutions and institutions run by local governments that have an obstetrics-gynecology department shall ensure that at least one group that performs pregnancy terminations shall operate in the institution.

"Therefore the law in Hungary ensures that even in the case of conscientious objection of some of the health professionals' women's access to reproductive health services is not limited."

13./ Page 15, VII Violence against women

paragraph 1

„Hungary signed the Istanbul Convention in 2014. Although the Government appointed an Inter-Ministerial Committee to prepare for the ratification process, the task remains pending. The majority in parliament seems reluctant to accept the need for a fundamental change in the relevant law."

We would like to ask to delete the last sentence. While the Parliament (its committees) rejected some draft resolutions urging the ratification of the Istanbul Convention with the reasoning that the internal process is already ongoing, the parliamentary majority never denied the acceptance of the Convention. Moreover, the draft bill for ratification has been released for public consultation by the Ministry of Justice in February 2017 (available at: http://www.kormany.hu/hu/dok?page=2&source=5&type=302#!DocumentBrowse).

It is also worth mentioning that (as it is reflected also in the draft report) the protection of women against violence is an important goal of the Hungarian (criminal law, victim support, etc.) legislation in force, therefore there is no need for a 'fundamental change' in connection with the ratification.

paragraph 6

„Sexual violence and rape are defined in a separate provision of the new Criminal Code. Sexual violence is defined by the forced character of the act or threat against the life or bodily integrity of the victim. It also includes cases where a person is exploited and incapable of self-defence or unable to express her/his will. However, outside these cases, the new legislation did not include, within the definition of rape, sexual relations without the consent of the victim. According to the Criminology Institute, in the 1990s 90% of cases of sexual abuse were not reported. There is no more recent official data available and it was reported that Hungary has one of the lowest reporting rates for rape among 33 European countries."

We would to modify the para:

Sexual violence and rape are defined in a separate provision of the new Criminal Code. Sexual violence is defined by the forced character of the act or threat against the life or bodily integrity of the victim. It also includes cases where a person is exploited and incapable of self-defence or unable to express her/his will. **The new legislation introduced a new criminal offence, namely sexual coercion, that does not require the perpetrator to display a violent element to force the victim into a sexual act, this means that sexual act committed with any type of coercion that does not involve qualified force or violence (e.g. sexual act committed with the abuse of a greater age difference) can be**

considered as sexual coercion. According to available official data of 2013, it was reported that Hungary has one of the lowest reporting rates for rape among 33 European countries.

paragraph 9

„Government sources confirmed that no victims of trafficking have in fact been identified except by the authorities in other countries of origin or destination."

We ask for the modifiaction of this para as follows:

„Government sources confirmed that no victims of trafficking have in fact been identified ***amongst asylum seekers*** *except by the authorities in other countries of origin or destination."*

14./ Page 21 (VIII Conclusions and recommendations) F. (e):

(e) Develop tools for identifying victims of human trafficking to ensure proper protection,

We would like to add:

*(e) „****Further*** *develop tools for identifying victims of human trafficking to ensure proper protection".*

Comments on the conclusions of the report

This section contains detailed information, comments on certain conclusions of the Report

1./ Page 3, A. Context

The report evaluates the grounds of discrimination with regard to the Equal Treatment Act claiming that Hungary fails to give women proper protection because it is not a "stand-alone goal for the elimination of discrimination" or it does not integrate women's rights to equality within each and every marginalised group. In our point of view, the Hungarian legislative framework does not show any shortcomings in this regard: having other grounds of discrimination, i.e. other groups to be protected does not lower the level of protection of women, and the aims suggested by the report are realised through the means of interpretation.

2./ Page 5, D. Institutional framework 1. 1. Equal Treatment Authority (ETA)

paragraph 2

„Although sexual harassment is prohibited in the Equal Treatment Act, the Authority has not found any employer guilty of this offense."

In a recent case ETA found an employer guilty in harassment based on the applicant's sex and ethnicity (multiple discrimination case). The case was closed by amicable settlement of the parties (http://www.egyenlobanasmod.hu/article/view/ebh-345-2016).

3./ Page 6, 3. Governmental entities and mechanisms, paragraph 2,3

„According to the stated goal of the government and the opinion of stakeholders, the work of this Department focuses mostly on the role of women in the family, as potential mothers for a desired demographic increase.

The Council for Gender Equality, a tripartite body consisting of representatives of ministries, NGOs and independent experts, which is a consultative forum for issues of gender equality, has reportedly not been convened since 2010."

We focus on women as potential mothers because according to the surveys 89% of women in Hungary are already mothers or future mothers.

The Human Rights Working Group is a tripartite body which meets twice a year, where NGOs with various approaches come and discuss the ongoing issues with the representatives of the government and independent experts.

4./ Page 6. 4. Parliamentarian Sub-committee on Women's Dignity, paragraph 2

„Furthermore, women are merely included as one of a list of disadvantaged groups and not as a cross-cutting group which must be integrated as half or more of each of these groups. Specific measures regarding women's human rights are approached essentially from the perspective of their role in the family and as mothers."

The Sub-committee discussed several topics as part of the agenda that did not have an approach of women as mothers, such as the security of women, single women and mothers, the impact of the media on women's situation, trainings for women, improving the participation of women in the economic system, supporting women's labor force participation, and reducing pay gap.

5. / Page 7, III. Political and public life

paragraph 5

„The low representation of women in the country's political life is also reflected in their low level of visibility in media programmes. In television and radio news programmes, women represent only 20% of those interviewing or being interviewed."

There is a talk show especially for women called Ridikül in the public media. It is broadcasted in prime time (at 17h). Generally three women discuss a particular topic and in the second part of the programme a surprise male guest joins them.

The show has been aired in the afternoon broadcast since 2013. It provides interesting topics particulary for women but for men as well. It mostly deals with the everyday issues of life, for example love, raising children, nursing, family and divorce, but they are talking about birth and death, science, work and leisure time, relatives and friends, celebration and special events, so about everyday questions that might be interested for everyone.

paragraph 6

„The Group notes that the Fundamental Law provides for the adoption of special measures to promote equal opportunities and social convergence, however, proposals to introduce temporary special measures, including quotas, to increase women's representation have been repeatedly rejected in parliament."

There were many discussions about the quotas in the Hungarian parliament, but all political parties rejected the suggestion (for example our current Prime Minister voted for the quota of the women participation). It cannot be forced to the society by avoiding the democratic system.

paragraph 7

„Nevertheless, out of 15 members of the Constitutional Court, who are appointed by parliament, there is one woman."

Currently the Constitutional Court comprises of 3 women and 12 men (http://alkotmanybirosag.hu/tagok/jelenlegi-tagok). It should be noted that all women members were elected after 2010 (in 2011, 2014 and 2016 respectively). Before that, among the (then 11) members of the Constitutional Court there were no women (the only woman served between 1999 and 2006 as a constitutional judge, while the Constitutional

Court itself operates from 1990). We think that the report and its recommendations should take into account this significant development in the previous years.

paragraph 8, 9

„However, the Group regrets to note that some women's rights NGOs reported that they have experienced a lack of cooperation, or even communication, by state actors since 2010. These interlocutors have said that the Government focuses on cooperation only with NGOs that deal with family-related issues, to the exclusion of women's organizations which have other policy agendas. This claim is supported by academic research, which showed that Government funding of NGOs and consultations regarding policy on women's rights have been directed mainly to women's NGOs which have nationalist and conservative agendas. The Group was concerned, as also reported by the Special Rapporteur on Human Rights Defenders, that women's NGOs which have a transformative agenda and NGOs which represent LGBTI and minority interests have suffered incidents of harassment and have been marginalized and accused by senior Government representatives and politicians of having politicized and hostile agendas. Indeed in 2013, a communication campaign was launched in the media targeting 15 NGOS which received grants from the EEA Norwegian NGO Fund, including the four major women's transformative human rights NGOs, and reportedly blacklisted by the Government. These organizations also faced a financial audit on grantees of the EEA Norwegian NGO Fund.

The Group firmly believes that in the elimination of discrimination against women and their empowerment, women's civil society organizations must play an essential role, embracing the various aspects of women's lives, including both service and welfare objectives as well as transformative political and economic agendas. women's autonomous civil society organizations are crucial to women's participation in public and political life. These organizations play a critical role including in filling gaps in certain areas where the State is absent and should enjoy cooperation and support from the Government."

The Ministry of State for Family and Youth Affairs was established in 2014 and an independent department was created to deal with women's policy. In 2012 a Working Group on Human Rights was set up in Budapest and a Thematic Working Group Responsible for Women's Rights started to function. It aims to monitor the enforcement of women's fundamental human rights in Hungary, particularly in the field of employment, education, health care and partnership. It involves all the NGOs dealing with women issues (conservative and liberal NGOs as well). There are several tenders to support women's economic empowerment and it is also available for liberal NGOs.

The department of women's policy has a cooperation agreement with „Women in science" organization and „Association for Women's Career Development in Hungary". These organizations do not have a conservative approach and they are established for women's empowerment and participation in science and business spheres.

http://nokatud.hu/

http://www.nonetocareer.org/

6./ Page 10, 1. Maternity leave, paternity leave, and parental leave

paragraph 1

„The 2012 Labour Code provides for maternity leave for twenty-four weeks and paternity leave for five days. The Group recommends that, beyond the minimum mandatory leave of 14 weeks for women, in line with ILO Conventions and EU directive 92/85, the choice of whether the remainder of the 24 week leave under the Hungarian legislation is taken by the mother or the father should be left to the decision of the parents. Women cannot have equal

opportunity if the law prevents them from sharing the burden of care for the young and the old in the family with men."

The Hungarian legislation provides opportunity for men to go on a parental leave, after 24 weeks (that can only be taken by the mother) men are eligible for child care fee, so they can stay at home with their child for a period of maximum 2 and a half years. We are convinced that for the child it is the best to spend the first couple of weeks with the mother because of the breastfeeding.

paragraph 6

"The Labour Code provides that a woman's contract cannot be terminated during pregnancy, maternity leave or leave of absence taken without pay to care for a child. A pregnant employee may invoke the protection against termination of contract only if she gave notice to her employer of her pregnancy before the disclosure of the termination. In 2014, the Constitutional Court ruled that this may violate the employee's right to privacy and human dignity and that the employee is protected against termination even in the absence of prior notice."

Constitutional Court decision no. 17/2014 (V. 30.) AB annulled the restriction 'before the disclosure of termination'. Therefore the Labour Code currently in force allows the employees to invoke the protection even after receiving notice of the termination.

The Labour Code provides that a woman's contract cannot be terminated during pregnancy, maternity leave or leave of absence taken without pay to care for a child. A pregnant employee was entitled to invoke the protection against termination of contract only if she gave notice to her employer of her pregnancy before the disclosure of the termination. However, in 2014, the Constitutional Court ruled that this may violate the employee's right to privacy and human dignity and annulled the mentioned condition. From then the employee is protected against termination even in the absence of prior notice.

7./ Page 11, D. Education

paragraph 5

"Romani women have a much lower education level. Only 5.8% of Romani women have vocational qualifications, in contrast to 17.5% among Romani men according to the National Social Inclusion Strategy (2011-2020). Romani women have a lower education level than non-Roma women, even though the number of Roma women with upper secondary education has increased 46. The segregation of Roma children in schools which are of an inferior standard or in schools for pupils with learning disabilities is a discriminatory practice."

Roma women could be considered multiply disadvantaged even within the Roma community. A key factor of their defenselessness is their underprivileged situation in the labour market caused by their under education. Therefore, the Hungarian Government is determined to support the Roma girls' prospects in the field of education and labour market with centralized instruments form the earliest ages. The aim of the 'Bari shej' project which is financed by the European Union is to decrease the dropout of disadvantaged primary school students and high school students aged 10-18 who are primarily Roma girls. Also, this project is intended to increase the chances of these disadvantaged students in further education with the assistance of decreasing and terminating the obstacles towards the accessibility to education. Further aspirations are fostering the learning motivation and educational achievements of these disadvantaged girls. Moreover, strengthening the positive attitude of their families towards education, postponing the foundation of families and having children, improving their health status and decreasing the probabilities of victimization are key factors. Another key element is providing the possibility for acquiring

the instruments of individual decision making of this target group. Therefore, it assists them to gain and develop competences in the field of labour market.

„The chance is increasing" is the title of a program with an allocation of 7.5 billion HUF which will start in April 2017 to foster the education and employment of two thousand Romani women. In the first part of the program social caretakers, nurses and social assistants will be trained in social, child welfare, child protection and educational institutions. As the second component of the program the state, church organizations, foundations can get support for the employment of Romani women. The tender is open until April 2017.

The 'Christian Roma Students' Scholarly Circle' is functioning from 2011. This network fosters to build a mutual future in order to train the Roma intellectuals. Currently 235 students participate in the program. Among them there are several Roma women. There are 8 students' scholarly circles of this kind. 5 of them are maintained by religious organizations and the other 3 belong to higher educational institutions.

"The segregation of Roma children in schools which are of an inferior standard or in schools for pupils with learning disabilities is a discriminatory practice."

Indication of the source of statement is recommended.

8./ Page 13, V Gender stereotypes in the society

paragraph 1

„The Group noted that women's participation in all spheres of the society was shadowed by a stereotypical and patronizing approach to women, which pervades attitudes and speeches. There is a high prevalence of gender stereotypes portraying women solely in the role of mothers and caregivers and disparaging them as political actors, which greatly impact on their right to equality and undermining their empowerment. Some interlocutors referred to women as "the weaker sex"

After the socialism there was a huge change in the public mindset and learning from the mistakes of the previous regime (which was a totalitarian system) a traditional family model evolved. In the previous years there has been an organic development in the current generation and the point of views of the youngsters show a different approach, therefore we can expect a further improvement in the future because of this natural process regarding gender stereotypes.

9./ Page 14, VI Right to health

paragraph 3

„Women face barriers to access contraception and abortion services. The State does not subsidize any contraceptive method. The Group was informed by interlocutors that emergency contraception is only available upon prescription which is contrary to the decision of the European Commission in January 2015 requiring member states to allow the sale of the emergency pill over-the-counter, which is essential for ensuring availability, especially for economically disadvantaged women or adolescent girls."

According to the professional point of view of Hungarian doctors, it has a huge importance that emergency contraception is only available upon prescription because it can have seroius consequences having access to it without prescription. Unfortunately emergency contraception has many side effects and it is important for women to get the adequate medical care and advice after using it. There has been fatal outcome of the usage of emergency contraception, so we cannot risk the lives of women with enabling them to get it without prescription. We do believe that our regulation is protecting the health of women.

Comparing the Hungarian regulation with other countries in Europe we have a permissive regulation.

If it would be true that women face barriers to access abortion in Hungary, then the statistics would not be as stated in this document that 1 out of 3 pregnancies end up with an abortion.

10./ Page 17, VIII Conclusions and recommendations

paragraph 2

„It stresses that the formulation of family should be interpreted as including the diversity of families, recognized under international human rights law, and that it should never be used to undermine women's reproductive rights."

The Hungarian legal system ensures extended legal protection for family relationships in a broader sense. The Fundamental Law does not exclude the legal protection of such family relationships. These relationships gain broad legal protection based on the right to human dignity and on the best interests of the child, in accordance with the case-law of the Constitutional Court and Hungary's international commitments. In Hungary's interpretation the conclusion concerned does not prevent Hungary to maintain its constitutional concept of marriage as a union between a woman and a man, neither does it require to deter from its preferences in applying preferable conditions for marriages and the commitment to have children.

paragraph 5

„However, the Government has, despite its recognition of the economic need for women to work, based this policy on the idealisation of women's role as stay-at-home mothers, thus creating an irreconcilable dilemma for women."

We refuse the conclusion that the Government's policy is based on "the idealisation of women's role as stay-at-home mothers". Hungary has introduced in the past few years the very measures encouraging young mothers to re-enter the job market or re-take their original jobs, in the form of financial support both for the mothers as well as the employers.

Recommendation A. (a)

„(a) Give high visibility and dedicated attention to women's rights through constructing a coherent institutional architecture which includes a high-level, well-resourced mechanism whose mandate will be dedicated to the advancement and empowerment of women as a stand-alone goal."

Hungary is committed to maintain its current legal and institutional system as regards the protection of human rights, including the prohibition of unlawful discrimination. Since discrimination cases are often interconnected with other human rights violations and/or discrimination based on other ground(s) than sex, the human rights bodies shall have a broad mandate in order to reflect every aspects of the case. In our opinion this approach does not in any way contradict a gender-sensitive functioning of these bodies or the eventual establishment of other kind of organizations that may provide useful assistance to women.

Recommendation B. (a)

(a) Introduce special measures, as provided in the Fundamental Law, to increase the representation of women in the country's political life and in senior positions in the public administration including the foreign service.

In line with Article XV paragraph (2) of the Fundamental Law, which guarantees the fundamental rights to everyone without discrimination based on inter alia sex, Article

XXIII Paragraph (1) of the Fundamental Law ensures all adult Hungarian citizens to stand as candidates in parliamentary elections, on local ballots for the election of council members and mayors, and in elections to the European Parliament. Paragraph (8) of the same Article contains the general right of all Hungarian citizens to hold public office according to their aptitude, education and professional competence. The Hungarian legal system ensures women's participation in political life, and – in accordance with the spirit and wording of the Fundamental Law – Hungary will keep on maintaining this situation.

Recommendation C. (c)

„(c) Impose on employers the obligation to pay equal pay through the use of various means, including by objective job evaluation with participation by stakeholders and social partners, and by desegregation of professions, as per ILO recommendations."

Recognizing the importance of practical measures in order to achieve equal pay it is worth to mention that the Hungarian legal system provides for a stable and strong framework for equality in this sphere. The obligation for equal pay can be derived from the general equality clause of the Fundamental Law in Article XV paragraph (1), moreover, the Equal Treatment Act, in line with the corresponding EU directives, explicitly prohibits any discrimination with regard to remuneration.

Recommendation C. (b)

(b) Improve the remedies for discrimination in employment for instance by giving the ETA the power to issue enforcement orders against the employer and to award exemplary damages.

Hungary has an extensive institutional framework for the enforcement of the prohibition of discrimination. The Equal Treatment Authority (ETA) is a central actor, but not the only organ responsible for the promotion of equality and for the sanctioning of unlawful behaviour in this field. Restitution and/or compensation in case of violation of the equal treatment can be claimed before courts instead of or even after the ETA's proceedings. Courts are able to award non-pecuniary damages which may have a dissuasive character.

Recommendation F. (f):

(f) Ensure the protection of the human rights of women and girls who seek to pass Hungary borders.

Hungary is committed to ensure the rights of victims of gender based violence in the asylum procedure. Hungary ensures the separation of men and women - except married couples - in detention, and social workers are committed to prevent rape and sexual exploitation in transit zones. The authorities appoint same-sex case officers in order to help victims of rape and sexual harassment.